

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

J. CORY CORDOVA, M.D.

DOCKET NO.: 6:19-cv-01027

VERSUS

JUDGE JAMES D. CAIN

LOUISIANA STATE UNIVERSITY
HEALTH SCIENCE CENTER, ET AL

MAGISTRATE PATRICK J. HANNA

MOTION TO EXAMINE JUDGMENT DEBTOR

NOW INTO COURT, through undersigned counsel, come defendants, UNIVERSITY HOSPITAL & CLINICS, INC., LAFAYETTE GENERAL MEDICAL CENTER, INC., and LAFAYETTE GENERAL HEALTH SYSTEM, INC. (collectively “Lafayette General Defendants”), who respectfully represent:

1.

On August 14, 2023, a judgment [Doc. 187] was entered in this matter by the United States District Court for the Western District of Louisiana pursuant to a judgment issued as mandate on May 12, 2023, by the Fifth Circuit Court of Appeals [Doc. 176], remanding the case for calculation of frivolous appeal damages awarded under Fed. R. App. P. 38. The judgment of August 14, 2023 [Doc. 187] ordered that Plaintiff be sanctioned with the full amount (\$50,664.74) of the Lafayette General Defendants’ costs and attorney fees incurred in the most recent appeal. The judgment further ordered that Plaintiff pay the amount to the Lafayette General Defendants within 30 days of the entry of the judgment, or by September 14, 2023 [Doc. 187].

2.

Plaintiff did not seek review of this Court’s August 14, 2023 judgment [Doc. 187] and the judgment to date has not been satisfied.

3.

The Lafayette General Defendants wish to examine Plaintiff, the judgment debtor, on all matters relevant to his property pursuant to Fed. R. Civ. P. 69(a) and La. C.C.P. art. 2451, to have Plaintiff produce in open court for examination certain of his books, papers, and documents, which are in Plaintiff's possession and which are material to this cause, and to examine Plaintiff personally in relation to execution of the August 14, 2023 judgment [Doc. 187] and the documents listed below:

- a. The title paper, act of sale, or any other paper or any other document showing the ownership or interest in ownership partial or total, of any and all immovable property by the judgment debtor;
- b. The title or any other paper or any other document showing ownership, partial or total, of any movable property, by the judgment debtor;
- c. All mortgages, pledges, security agreements, financing statements and other documents in any way reflecting any security interest, mortgage, pledge, hypothecation or encumbrance of any kind upon any property owned by you, whether individually or jointly with others and in any way evidencing any debt relating thereto, along with the name and address of the mortgagor;
- d. All appraisal reports covering any property you own, either individually or jointly with any other person or persons, or the identity, name and address of the person or entity in possession of such appraisal reports if you do not possess same;
- e. Each and every checking account ledger and any other books pertaining to accounts in banks, savings associations, brokerage firms or associations of like nature belonging to the judgment debtor;
- f. The last three (3) statements rendered to the judgment debtor by each and every bank where judgment debtor has or had an account at the time of the service of this motion;
- g. Copies of income tax returns, both state and federal, of the judgment debtor for the last five years, including all schedules, attachments, W-2s, and 1099s;
- h. All records of your earnings or income including but not limited to pay stubs, vouchers, or wire transfers for last six (6) months, along with the name, address, and tax identification number of the payor, and any contracts or other documents which determine how your earnings are determined and/or calculated; and

- i. Copies of all financial statements in your possession, custody or control, prepared by or for you, reflecting your financial condition during the past three (3) years, whether prepared for you individually or jointly with any other person or persons, or for a corporation, firm, or other entity in which you owned an interest, or the identity, name and address of the person or entity in possession of such financial statements if you do not possess same.

4.

The Lafayette General Defendants believe that through examination and these books, papers, and documents, they can establish what property Plaintiff has which may be used to satisfy the August 14, 2023 judgment [Doc. 187].

5.

The Lafayette General Defendants respectfully request that Plaintiff be taxed with costs in connection with the judgment debtor examination pursuant to La. C.C.P. 2455.

WHEREFORE, defendants, UNIVERSITY HOSPITAL & CLINICS, INC., LAFAYETTE GENERAL MEDICAL CENTER, INC., and LAFAYETTE GENERAL HEALTH SYSTEM, INC., pray that this Honorable Court order Plaintiff, J. Cory Cordova, M.D., to appear on January 23, 2024 at 2:00 p.m. in Lake Charles, Courtroom 4, for examination as a judgment debtor and produce in open court at the same time the books, papers, and documents, described in Paragraph 3 above and that Plaintiff be taxed with costs in connection with the judgment debtor examination.

Respectfully submitted:

GIBSON LAW PARTNERS, LLC

/s/ James H. Gibson

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Lafayette General Health System, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

Lafayette, Louisiana, this 19th day of January, 2024.

/s/ James H. Gibson
JAMES H. GIBSON